



# PLANNING COMMISSION AGENDA

JAIME HOLT, Chair

Commission Members  
PAUL E. CAPRIOGLIO  
RAMA DAWAR  
SEROP TOROSSIAN, Vice Chair  
ROJELIO VASQUEZ  
LUISA MEDINA

Planning and Development  
Assistant Director/Secretary  
KEITH BERGTHOLD

Deputy City Attorney  
SHANNON L. CHAFFIN

*The Planning Commission welcomes you to this meeting.*

**January 20, 2010**

**Wednesday**

**6:00 p.m. to 10:00 p.m.**

**City Hall, Second Floor, COUNCIL CHAMBER, 2600 Fresno Street**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call Planning and Development Department staff at 559-621-8277.

El cuarto de la reunión es accesible a los físicamente incapacitados y los servicios de un traductor pueden ser hechos disponible. Peticiones para servicios adicionales para los incapacitado, los firmantes, aparatos de escuchar o los traductores deben ser hechos una semana antes de la reunión. Por favor llame a el Departamento de la Planificación y el Desarrollo en 559-621-8277.

Chav sablaj muaj rau cov tibneeg xiam ooghab, thiab muaj tibneeg txhaislus rau cov uas xav tau kev pabcuam. Yog thov kev pabcuam rau cov tibneeg xiam ooghab, cov hlua ntsaws pobntseg mloog haislus, los yog tibneeg txhaislus, nej yuav tau hais tuaj ib asthiv los yog ib limpiam ua ntej lub rooi sablaj. Nej hu tau rau peb cov tubtxib ntawm tus xovtoo; 559-621-8277.

Metered parking is in effect throughout the downtown area. The general public wishing to attend a Planning Commission meeting at City Hall may park after 5 p.m. in the parking lot at the northeast corner of Tulare and P Streets or in the parking lot east of City Hall across the railroad tracks. Both parking lots have entrances from Tulare Street, and parking restrictions have been relaxed in these lots for those attending the meeting.

- I. **ROLL CALL**
- II. **PLEDGE OF ALLEGIANCE**

### **III. PROCEDURES**

For each matter considered by the Commission, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from supporters of the project will then be taken, followed by testimony from those in opposition. The applicant will have the right to a final rebuttal presentation prior to closing the public hearing.

In accordance with Section 13 of Article 2 of the Planning Commission Rules and Regulations governing length of public debate, all public testimony from those in support and in opposition of the project will be limited to three minutes per person. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with a soft bell ring when one minute is remaining. The speaker should be completing the testimony by the time the red light comes on with a final bell indicating time has expired. All public testimony must be presented to the Commission at the podium. Any testimony that references race, religion, economic status, national origin, shall be deemed out of order, irrelevant and will not be considered by the Commission in making its land use determinations.

If you challenge these land use matters in court, you may be limited to raising only those issues you or someone else raised in oral or written testimony at or before the close of the hearing.

### **IV. AGENDA APPROVAL**

- A. Consent Calendar Requests
- B. Continuance Requests
- C. Other Agenda Changes

### **V. CONSENT CALENDAR**

All Consent Calendar items are considered by the Planning Commission to be routine and will be enacted in one motion. There will be no separate discussion of these items unless requested, in which event the items will be removed from the Consent Calendar and considered prior to approval of the Consent Calendar. If any member of the public wishes to have a specific item removed for discussion, be present when the meeting is called to order and the Chair announces the Consent Calendar. Commission approval of Consent Calendar items for which there is no discussion shall constitute adoption of the staff recommendation.

- A. Minutes
- B. Communications
- C. Entitlements

### **VI. REPORTS BY COMMISSIONERS**

## **VII. CONTINUED MATTERS**

- A. Consideration of a resolution regarding the appeal of the action of the Planning and Development Director revoking Conditional Use Permit Application No. C-04-126 for failure to substantially comply with the conditions of approval under C-04-126, Ordinance No. 2006-26 and Resolution No. 2006-89; filed by James and Isabel Medina, the business and property owners of Van Ness Auto Repair, located at 2740 North Van Ness Boulevard (APN: No. 443-241-01).

1. The Subject Property is a .19 acre lot located at 2740 North Van Ness Boulevard. It is situated on the southeast corner of North Van Ness Blvd. and East Princeton Avenue. On March 7, 2006, the Subject Property was rezoned from R-1 (*Single Family Residential*) zone district to the C-5/cz (*General Commercial District/conditions of zoning*) district. On that same date, in conjunction with the rezone, the City Council passed a resolution approving Conditional Use Permit Application No. C-04-126 which authorized a "Tires, Battery, and Accessory Parts Sales and Service" use with limited auto repairs. The Subject Property is surrounded by residential properties.

- 2025 Fresno General Plan, Fresno High-Roeding Community Plan and the Tower District Specific Plan
- Council District 1 (Blong Xiong)
- Staff Member: Richard Salinas
- Staff Recommendation: Continue to February 3, 2010

## **VIII. NEW MATTERS**

### **A. CONTINUE TO FEBRUARY 17, 2010**

Consider an appeal of the Planning and Development Department Director's action to approve Conditional Use Permit Application No. C-09-122 filed by Jaime Gonzalez of Bastian Court, LP and pertains to approximately 0.48 acre site located on the westerly corner of Stanislaus and "L" Streets.

1. Environmental Assessment No. C-09-122 adopting the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. C-09-122, dated June 12, 2009.
2. Conditional Use Permit Application No. C-09-122 requests authorization to construct a five story mixed use building with 4,982 square feet of commercial space, 24 off-street parking spaces and a manager's unit on the first floor, 60 affordable residential dwelling units (28-1 bedroom units, 12-2 bedroom units and 20-3 bedroom units) on the four stories above the ground floor and to demolish the existing on-site structure.

- Central Area Community Plan
- Council District 3 (Councilmember Borgeas)
- Staff Recommendation: Deny Appeal, Uphold Director's Action of Approval
- Staff Member: McKencie Contreras
- May be considered by the City Council

**VIII. NEW MATTERS CONTINUED**

- B. Consider Vesting Tentative Tract Map No. 5956 filed Gary Giannetta Civil Engineering and Land Surveying on behalf of FFDA Properties, LLC, pertaining to approximately 1.19 net acre of property located on the southerly corner of the intersection of Amador and Fulton Streets.
1. Addendum to Environmental Assessment No. C-09-125 recommending that an addendum to the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130, which was prepared for Conditional Use Permit Application No. C-09-125 is adopted for Vesting Tentative Tract Map No. 5956.
  2. Vesting Tentative Tract Map No. 5956 proposes a one-lot subdivision for the purposes of a condominium project on the subject property. The subject property is approved for development with five three-story buildings which will comprise of an integrated mixed use development consisting of approximately 3,185 square feet of commercial space and 61 residential dwelling units. If approved, the proposed condominium project will facilitate individual ownership of respective dwelling units and/or commercial tenant spaces and establish or designate jointly owned and shared areas and facilities on the subject property.
    - Central Area Community Plan
    - Council District 3 (Councilmember Sterling)
    - Staff Recommendation: Recommend Approval
    - Staff Member: Will Tackett
    - May be considered by the City Council
- C. Consider an appeal of the Planning and Development Department Director's action to approve Conditional Use Permit Application No. C-09-106, filed by Bryan Pok/Chris Ward of Centerline Design, LLC, and pertains to 1.21 acres of a 2.94-acre parcel located on the southwest corner of East Shields and North Armstrong Avenue. The is zoned C-M/UGM/cz (*Commercial and Light Manufacturing /Urban Growth Management/conditions of zoning*).
1. Environmental Assessment No. C-09-106 adopting the determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan dated July 24, 2009.
  2. Conditional Use Permit Application No. C-09-106 requests authorization to construct a gasoline fueling station, a 2,400 square-foot mini mart with a State of California, Alcohol Beverage Control Type 20 license (*sale of beer and wine for consumption off the premises where sold*) a 918± square-foot car wash, and a future 2,400 square-foot fast food restaurant.
    - McLane Community Plan
    - Council District 4 (Councilmember Westerlund)
    - Staff Recommendation: Deny appeal, recommend approval of project
    - Staff Member: Mike Sanchez
    - May be considered by the City Council

**VIII. NEW MATTERS CONTINUED**

- D. Consideration of Conditional Use Permit Application No. C-09-199 and environmental findings filed by Don Jackley of G.L.A.D. Entertainment, Inc. This project relates to a request for authorization to allow dancing at several locations within Blackbeard's Family Entertainment Center (4055 North Chestnut Avenue) located on the northwesterly side of North Chestnut Avenue between North Winery and East Ashlan Avenues.
1. Environmental Assessment No. C-09-199 determination of a Class 1 Categorical Exemption from the requirements of the California Environmental Quality Act (CEQA Guidelines Section 15301).
  2. Conditional Use Permit Application No. C-09-199 is a request for authorization to allow public dancing at Blackbeard's Family Entertainment Center. The events they propose would include such things as special teen events such as Grad Night, company picnics and meetings, Christmas parties, etc. A public hearing is required as the proposed use is considered a Nightclub pursuant to the Fresno Municipal Code. The subject site is zoned C-R (*Commercial Recreation District*).
    - McLane Community Plan
    - Council District 4 (Councilmember Westerland)
    - Staff Recommendation: Recommend Approval
    - Staff Member: Bonique Salinas
    - May be considered by the City Council

**IX. REPORT BY SECRETARY**

**X. SCHEDULED ORAL COMMUNICATIONS**

**XI. UNSCHEDULED ORAL COMMUNICATIONS**

You may address the Planning Commission at the conclusion of the Commission meeting regarding matters of public interest that are not listed on the agenda and that are within the Commission's jurisdiction. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on the Planning Commission agenda should contact the Planning and Development Department, (559) 621-8277, at least 10 days before the desired appearance date.

**XII. ADJOURNMENT**

***UPCOMING MATTERS***

*(Dates subject to change)*